

April 5, 2012

Honorable Sterling Johnson, Jr.
Sr. United States District Judge
United States Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. John Doe
08 Cr. 29 (SJ)

Dear Judge Johnson:

In addition to the arguments we raised during the recent hearing held in connection with defendant's " bad faith " motion, we would urge that he satisfies the criteria for safety valve relief pursuant to U.S.S.G.5C1.2, 18 U.S.C. 3553 (f) & 2D1.1 (b) (6) inasmuch as his probation report reflects no " adjustment for role " in the offense.

Moreover, since the government has conceded that he rendered it substantial cooperation, as outlined by the prosecutor, it is our position that he is surely entitled to consideration for this type of relief under the attendant circumstances.

Respecfullt submitted

Stephen R. Mahler
Attorney for Defendant